

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re	: Chapter 11 Case No.
	:
MOTORS LIQUIDATION COMPANY, et al.,	: 09-50026 (REG)
f/k/a General Motors Corp., et al.	:
	:
Debtors.	: (Jointly Administered)
	:
-----X	

CLAIMANT'S, BETTY J SMITH, RESPONSE TO OMNIBUS OBJECTION
(Workers' Compensation Claims in Retained States – Oklahoma)

TO THE HONORABLE ROBERT E. GERBER
UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Betty J. Smith, Claimant, respectfully submits the following response to the Debtors Omnibus Objection to Claimant's claim. (*See* Exhibit A of the Debtor's Omnibus Objection.)

ARGUMENTS AND AUTHORITIES

Rule 3007(d) of the Federal Rules of Bankruptcy Procedure sets forth the requirements of an Omnibus Objection as follows:

Subject to subdivision (e), objections to more than one claim may be joined in an omnibus objection if all the claims were filed by the same entity, or the objections are based solely on the grounds that the claims should be disallowed, in whole or in part, because:

- (1) they duplicate other claims;
- (2) they have been filed in the wrong case;
- (3) they have been amended by subsequently filed proofs of claim;
- (4) they were not timely filed;
- (5) they have been satisfied or released during the case in accordance with the Code, applicable rules, or a court order;
- (6) they were presented in a form that does not comply with applicable rules, and the objection states that the objector is unable to determine the validity of the claim because of the noncompliance;
- (7) they are interests, rather than claims; or

(8) they assert priority in an amount that exceeds the maximum amount under §507 of the Code.

**Omnibus Objection is not the forum to disallow claim based on an allegation that the
Debtor is not liable for such claim**

Pursuant to the provisions of Rule 3007(d) it specifically identifies eight (8) reasons permitting an Omnibus Objection. The assertions rose in paragraphs 1, 2 and 3 assert that the Omnibus Objection is proper and should be granted because it alleges that the Claimant's claimant is or should be provided for pursuant to the Oklahoma Worker's Compensation Act and the Individual Self-Insured Guaranty Fund. The claimant alleges that the Debtor's reasoning for being allowed to make an Omnibus Objections is improper as the Debtor has failed to raise a legally sufficient argument that one of the eight requirements for being permitted to raise an Omnibus Objection.

The Claimant's claim is not duplicative

The Debtor asserts in the Omnibus Objection that the Claimant claim is currently being administered by the Worker's Compensation Court and defrayed by the Surety Bond and in the event the Surety Bond is not sufficient the claim is being defrayed by the Individual Self-Insured Guaranty Fund. The Claimant's claim is based on her award granted against the Debtor and is not currently receiving Worker's Compensation benefits. The Claimant argues that the judgment against the Debtor is not currently being administered by the Worker's Compensation Court or defrayed by the Surety Bond or Individual Self-Insured Guaranty Fund. The Claimant argues that reference to such Surety Bond or Individual Self-Insured Guaranty Fund is the first that the Claimant has heard of such bond or fund. The Claimant asserts that it has not received any communication from the Worker's Compensation Court regarding payment of the Claimant's claim under the Individual Self-Insured Guaranty Fund or Surety Bond. The Debtor has not

made a legally sufficient argument that the Claimant's claim is duplicative and has not provided not evidence in support of such allegation. The Claimant asserts that the Debtor is merely making assumptions as to what could possibly be the case. The Claimant argues, as a pro se Claimant that the Debtor is in a better position than the Claimant, but has failed to provide proof, based on the records of this case, that the Claimant's claim is in fact duplicative. In fact in the Debtor's Omnibus Objection the Debtor argues merely that the relief requested should be granted in order to avoid the **possibility** of improper and duplicative recovery.

The Claimant asserts that law and equity permits the allowance of the Claimant's claim.

The Claimant asserts that it would legally inequitable for this Honorable Court to disallow the Claimant's claim based on assumptions only. The Claimant argues that equity promotes that allowance of the Claimant's claim as the Debtor has not provided any evidence to show that it has in fact paid the Claimant the award amount of \$6,837.00 either directly or through the Worker's Compensation Court, Surety Bond or Individual Self-Insured Guaranty Fund.

WHEREFORE it is respectfully requested that the Debtor's Omnibus Objection be denied and the Claimant claim be allowed.

Dated: Newalla, OK
April 18, 2012

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Betty J. Smith', is written over a horizontal line.

Betty J. Smith

CLAIMANT

5361 Hickory Lane
Newalla, OK 74857

CERTIFICATE OF SERVICE

This is to certify that on this 18th day of APRIL, 2012 a true and correct copy of this document was mailed by U.S. Mail to the following:

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Handwritten signature of Betty Smit, consisting of a stylized 'B' and 'S' followed by the name 'Betty Smit' in cursive.